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04/06/04

AF/1624

PHA 4160.3 (3202/2)
PATENT

Express Mail No. EV 432654654 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Michael S. South et al.

Art Unit 1624

Serial No. 09/716,962

Filed November 20, 2000

Confirmation No. 2205

For SUBSTITUTED POLYCYCLIC ARYL AND HETEROARYL PYRIDONES
USEFUL FOR THE SELECTIVE INHIBITION OF THE COAGULATION
CASCADE

Examiner T. Truong

April 5, 2004

REQUEST FOR RECONSIDERATION

TO THE COMMISSIONER FOR PATENTS,

SIR:

In response to the Office action mailed January 14, 2004, please consider the following remarks.

According to Paper No. 25, claims 62-97 are finally rejected under the doctrine of provisional obviousness-type double patenting in light of pending application number 09/574,740. This is the sole grounds for rejection of the pending claims. According to MPEP §804(I)(B), however, this rejection is improper. Specifically, MPEP §804(I)(B) states that

[a] "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should withdraw the rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Accordingly, applicants respectfully request that the provisional double patenting rejection in the present case be removed and the application allowed to issue. In response, a double patenting rejection may be raised against pending application

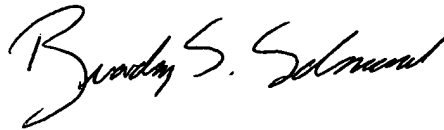
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number 09/574,740. Applicants will then determine the propriety of filing a terminal disclaimer in that case.

In light of the foregoing, applicants submit that the present application is in condition for allowance and requests allowance of the pending claims.

The Commissioner is requested to charge any fee deficiency or overpayment in connection with this Request for Reconsideration to Deposit Account 19-1345.

Respectfully submitted,

A handwritten signature in cursive script, reading "Bradley S. Schammel".

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